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10/781,796

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Tack-Kyun Choi

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01/28/2008

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EXAMINER

GRAHAM, PAUL J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|----------------------------------------|--|
| Office Action Summary | Application No. 10/781,796 | Applicant(s) CHOI, TAEK-KYUN | |
| | Examiner Paul J. Graham | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/10/06, 7/17/07</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. The references listed on the Information Disclosure statements filed 10/10/06 and 7/17/07 have been considered by examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 5, 6, 9, 11-16, 18, 19, 22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yi (US 7 003 040 B2) in view of Osann, Jr. (US 2004/0203608 A1).

As to claim 1, Yi discloses an apparatus for transmitting a signal of a moving image in a mobile communication terminal capable of reproducing the moving image, the apparatus comprising (see Yi, fig. 2, cell phone with camera):

an input section for generating signals for capturing and transmitting a moving image signal which is being reproduced (see Yi, fig. 3 shows control circuit coupled to keyboard and camera inputs, and fig. 9 shows the phone keyboard, camera lens and menu displayed for input to generate signals to capture and transmit a moving image signal (see Yi, col. 11, ll. 1-5, continuous video));

a control section for generating, according to the signals generated by the input section (see Yi, fig. 3, control section is control circuit, responsive to keyboard or camera input);

a memory for storing the image captured according to a capture command generated by the control section (see Yi, fig. 3, media memory coupled to the terminal control circuit is used for storage of the image captured);

and a transmission section for transmitting the captured image stored in the memory (see Yi, col. 4, ll. 45-50, stored image is transmitted through antenna);

Yi does not explicitly teach a command for capture and transmission of the moving image signal which is being reproduced, the control section controlling the moving image signal to be displayed and simultaneously the displayed image to be captured and transmitted (see Osann, fig. 2a and [0043]-action of shutter button used to send command signal to capture moving image still, displaying on transmitter display until superceded (see Osann, [0043-44]-display to clearly observe what is being sent) and transmitted to receiving party (see Osann, [0044])).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi with the system of Osann, to allow the user at the transmitting terminal to better view the image being sent (see Osann, [0044])).

As to claim 12, Yi discloses a method for transmitting a signal of a moving image in a mobile communication terminal capable of reproducing the moving image, the method comprising the steps of (see Yi, fig. 9 for mobile terminal and transmission, see Yi, col. 10, ll. 45-67 for method of transmitting signal, full-bandwidth streaming):

video-processing and reproducing the moving image signal (see Yi, fig. 4 for processing and reproducing signal and col. 11, ll. 1-5, full-bandwidth streaming video selection is processing and reproducing the signal via MPEG coding;

and transmitting the captured image (see Yi, col. 4, ll. 45-50, transmitting the image (see Yi, fig. 4) via antenna (Yi, fig. 9 antenna);

Yi does not explicitly teach capturing an image which is being reproduced; however Osann does teach this (see Osann, [0043] still image captured (as reproduced on display);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi with the system of Osann, to allow the user at the transmitting terminal to better view the image being sent (see Osann, [0044]).

As to claim 2, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1, wherein the captured image includes still image data (see Yi, col. 2, ll. 55-57, snapshots).

As to claim 3, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1, wherein the captured image includes moving image data (see Yi, col. 2, ll. 55-57, real time video streams).

As to claim 5, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 2, wherein the file compressor compresses the still image data in one selected from the group of extensions consisting of Joint Photographic Experts Group (JPEG), BitMap (BMP), Graphics Interchange Format (GIF), Picture Image Compression (PIC), Tag Image File Format (TIFF), Portable Document Format (PDF), and Extension Post Script graphics (EPS) formats; however, Yi, who discloses a cell phone communication system, does teach a still image compressed in one of these formats (see Yi, col. 5, ll. 60-65, still image is JPEG compressed).

As to claim 6, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 3, wherein the file compressor compresses the moving image data in one selected from the group of extensions consisting of Moving Pictures Expert Group (MPEG), Advanced Streaming Format file (ASF), Advanced Streaming Redirect file (ASX), AVI, Data file for video CD MPEG movie (DAT), Animator Animation (FLI), Animator Animation most recent version of FLI format (FLC), Apple QuickTime Movie (MOV), MPEG Movie (MPG), Real Audio (RA), Real Media

(RAM), Real Media (RM), MPEG layer 2 movie (VOB), and Vivo Active Movies (VIV) formats (see Yi, col. 5, ll. 60-65, video script is MPEG compressed).

As to claim 9, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1, wherein the transmission section transmits a captured image, which is stored in the memory, by a phone-to-phone method (see Yi, col. 9, ll. 35-35 and fig. 9).

As to claim 11, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1, further comprising a display section which includes a first display area for video-processing and displaying the moving image signal and a second display area for displaying a user function selection menu in such a manner that the menu can be selected by the input section (see Yi, fig. 2, display has 2 distinct areas, display section of image and user menu along side and bottom).

As to claims 22, 24 they are analyzed similar to claims 9, 11, respectively

As to claims 13-16, they are analyzed similar to claims 1, 2, 3, 1, respectively.

As to claim 19, it is analyzed similar to claim 6.

As to claim 18, it is analyzed similar to claim 5.

4. Claims 7, 8, 10, 20, 21, 23, 25, 26, 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yi, US 7003040 B2, and Osann, US 2004/0203608 A1, in view of Kashio, US 2004/0036700 A1.

As to claim 7, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1,

The combination of Yi and Osann does not teach further comprising an image converter for converting a video image size of the captured image; however Kashio, who discloses a data communication device, does teach this (see Kashio, [0078]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in order to allow the user flexibility in the size image viewed, a different resolution would allow the viewer to observe different details in the image (see Kashio, [0003-4]).

As to claim 8, Yi, Osann, and Kashio (as combined in claim 7) disclose an apparatus as claimed in claim 7, wherein the converted image size is one of dimensions including 128.times.112 dots and 128.times.96 dots (see Kashio, [0078], 128x96 pixels).

As to claim 10, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1, wherein the transmission section transmits a captured image, which is stored in the memory,

The combination of Yi and Osann does not teach transmitting a captured together with an email; however, Kashio does teach this (see Kashio, [0090,0098] stored image is attached to email for transmission).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in send a captured image via email allowing the user to annotate the image with a caption or other message (see Kashio, [0098]).

As to claims 20, 21 and 23, they are analyzed similar to claims 7, 8 and 10, respectively.

As to claim 25, Yi discloses an apparatus for transmitting a signal of a moving image in a mobile communication terminal capable of reproducing the moving image, the apparatus comprising (see Yi, fig. 2, cell phone with camera):

an input section for generating signals for capturing and transmitting a moving image signal which is being reproduced (see Yi, fig. 3 shows control circuit coupled to keyboard and camera inputs, and fig. 9 shows the phone keyboard, camera lens and menu displayed for input to generate signals to capture and transmit a moving image signal (see Yi, col. 11, ll. 1-5, continuous video));

a control section for generating, according to the signals generated by the input section (see Yi, fig. 3, control section is control circuit, responsive to keyboard or camera input);

a memory for storing the image captured according to a capture command generated by the control section (see Yi, fig. 3, media memory coupled to the terminal control circuit is used for storage of the image captured);

and a transmission section for transmitting the captured image stored in the memory (see Yi, col. 4, ll. 45-50, stored image is transmitted through antenna);

Yi does not explicitly teach a command for capture and transmission of the moving image signal which is being reproduced, the control section controlling the moving image signal to be displayed and simultaneously the displayed image to be captured and transmitted (see Osann, fig. 2a and [0043]-action of shutter button used to send command signal to capture moving image still, displaying on transmitter display until superceded (see Osann, [0043-44]-display to clearly observe what is being sent) and transmitted to receiving party (see Osann, [0044])).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi with the system of Osann, to allow the user at the transmitting terminal to better view the image being sent (see Osann, [0044])).

The combination of Yi and Osann does not explicitly teach a television signal; however, Kashio does teach this (see Kashio, [0007]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in order to allow the user of the system to capture a television signal adding to the robustness of the mobile device's capabilities (see Kashio, [0007], video means television).

As to claim 26, Yi discloses a method for transmitting a signal of a moving image in a mobile communication terminal capable of receiving the moving image, the method comprising the steps of (see Yi, fig. 9 for mobile terminal and transmission, see Yi, col. 10, ll. 45-67 for method of transmitting signal, full-bandwidth streaming):

video-processing and displaying the moving image signal (see Yi, fig. 4 for processing and reproducing signal and col. 11, ll. 1-5, full-bandwidth streaming video selection is processing and reproducing the signal via MPEG coding;

and transmitting the captured image (see Yi, col. 4, ll. 45-50, transmitting the image (see Yi, fig. 4) via antenna (Yi, fig. 9 antenna);

Yi does not explicitly teach capturing an image which is being reproduced; however Osann does teach this (see Osann, [0043] still image captured (as reproduced on display);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi with the system of Osann, to allow the user at the transmitting terminal to better view the image being sent (see Osann, [0044]);

The combination of Yi and Osann does not explicitly teach a television signal; however, Kashio does teach this (see Kashio, [0007]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in order to allow the user of the system to capture a television signal adding to the robustness of the mobile device's capabilities (see Kashio, [0007], video means television).

As to claim 27, Yi discloses a method for transmitting a signal of a moving image in a mobile communication terminal capable of receiving the moving image, the method comprising the steps of (see Yi, fig. 9 for mobile terminal and transmission, see Yi, col. 10, ll. 45-67 for method of transmitting signal, full-bandwidth streaming):

video-processing and displaying the moving image signal (see Yi, fig. 4 for processing and reproducing signal and col. 11, ll. 1-5, full-bandwidth streaming video selection is processing and reproducing the signal via MPEG coding;

and transmitting the captured image (see Yi, col. 4, ll. 45-50, transmitting the image (see Yi, fig. 4) via antenna (Yi, fig. 9 antenna);

Yi does not explicitly teach capturing an image which is being reproduced; however Osann does teach this (see Osann, [0043] still image captured (as reproduced on display);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi with the system of Osann, to allow the user at the transmitting terminal to better view the image being sent (see Osann, [0044]);

The combination of Yi and Osann does not explicitly teach a television signal; however, Kashio does teach this (see Kashio, [0007]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in order to allow the user of the system to capture a television signal adding to the robustness of the mobile device's capabilities (see Kashio, [0007], video means television).

As to claim 28, Yi discloses a method for transmitting a signal of a moving image in a mobile communication terminal capable of receiving the moving image, the method comprising the steps of (see Yi, fig. 9 for mobile terminal and transmission, see Yi, col. 10, ll. 45-67 for method of transmitting signal, full-bandwidth streaming):

video-processing and displaying the moving image signal (see Yi, fig. 4 for processing and reproducing signal and col. 11, ll. 1-5, full-bandwidth streaming video selection is processing and reproducing the signal via MPEG coding;

and transmitting the captured image (see Yi, col. 4, ll. 45-50, transmitting the image (see Yi, fig. 4) via antenna (Yi, fig. 9 antenna);

Yi does not explicitly teach capturing an image which is being reproduced; however Osann does teach this (see Osann, [0043] still image captured (as reproduced on display);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi with the system of Osann, to allow the user at the transmitting terminal to better view the image being sent (see Osann, [0044]);

The combination of Yi and Osann does not explicitly teach a television signal; however, Kashio does teach this (see Kashio, [0007]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in order to allow the user of the system to capture a television signal adding to the robustness of the mobile device's capabilities (see Kashio, [0007], video means television);

The combination of Yi and Osann does not explicitly teach capturing a moving image for a capture time according to a capture start command and a capture end command of the displayed moving image; however, Kashio does teach this (see Kashio, [0086-0087], image pickup mode is started, as the key continues to be pressed down, the operation records, then stops when the key is no longer depressed (capture end command));

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in order to store a length of video content according to control of the capture device allowing the user to save the content and view later or transmit later (see Kashio, [0030-31]).

5. Claims 4, 17, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yi, US 7003040 B2, and Osann, US 2004/0203608 A1, in view of Thomason, US 6317039 B1.

As to claim 4, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1,

The combination of Yi and Osann does not teach further comprising a file compressor for compressing the captured image; however, in an analogous art, Thomason does teach this (see Thomason, col. 4, l. 62-col. 5, l. 7);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Thomason so that the mobile terminal has the capacity to compress data captured and use less bandwidth for transmission as the MPEG scheme will allow (see Thomason, col. 5, ll. 5-7).

As to claim 17, it is analyzed similar to claim 4.

As to claims 29, and 31, they are analyzed similar to claim 5.

As to claims 30, and 32, they are analyzed similar to claim 6.

Inquiries

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Graham whose telephone number is 571-270-1705. The examiner can normally be reached on Monday-Friday 8:00a-5:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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